

REMARKS

Claims 1-20 were pending in this application.

Claims 1, 6-8, 13-15, and 20 have been rejected.

Claims 2-5, 9-12, and 16-19 have been objected to.

Claims 1-3, 8-10, and 15-17 have been amended as shown above.

Claims 6, 13, and 20 have been cancelled.

Claims 21-23 have been added.

Claims 1-5, 7-12, 14-19, and 21-23 are now pending in this application.

Reconsideration and full allowance of Claims 1-5, 7-12, 14-19, and 21-23 are respectfully requested.

I. ALLOWABLE CLAIMS

The Applicant thanks the Examiner for the indication that Claims 2-5, 9-12, and 16-19 would be allowable if rewritten in independent form to incorporate the elements of their respective base claims and any intervening claims.

The Applicant has rewritten Claims 1, 8, and 15 to incorporate some of the elements previously recited in Claims 2, 3, 9, 10, 16, and 17. The Applicant respectfully submits that these amendments place Claims 1, 8, and 15 in condition for allowance.

Accordingly, the Applicant respectfully requests full allowance of Claims 1, 8, and 15 (and their dependent claims).

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IN THE DRAWINGS

Please amend Figures 2C through 5 to include an output path from element 211 to element 210. The Applicant has included replacement sheets incorporating these amendments to Figures 2C through 5.

II. OBJECTIONS TO DRAWINGS

The Office Action objects to several informalities in the drawings. In particular, the Office Action objects to Figures 6 through 10 as being illegible. The Office Action also objects to the drawings because element 211 in Figures 2C through 5 lacks an output.

The Applicant has amended Figures 2C through 5 to include an output path from element 211 to element 210. The Applicant has included replacement sheets incorporating these amendments to Figures 2C through 5. The Applicant also respectfully notes that formal drawings were previously submitted to the Patent Office on May 22, 2002. The Applicant has included another copy of the formal drawings (with replacement sheets for pages 2 and 3 of the drawings).

Accordingly, the Applicant respectfully requests withdrawal of the objections to the drawings.

III. OBJECTIONS TO SPECIFICATION

The Office Action objects to various informalities in the specification. The Applicant has amended the specification and the drawings to correct the noted informalities. Accordingly, the Applicant respectfully requests withdrawal of the objections to the specification.

IV. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 6-8, 13-15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,052,702 to Berberidis et al. ("Berberidis") in view of U.S.

Patent No. 6,829,297 to Xia et al. ("Xia"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. (*MPEP § 2142*).

The Applicant has amended Claims 1, 8, and 15 to incorporate some of the elements previously recited in Claims 2, 3, 9, 10, 16, and 17. Based on the indication that Claims 2, 3, 9, 10, 16, and 17 are allowable, the Applicant respectfully submits that these amendments place Claims 1, 8, and 15 in condition for allowance.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection and full allowance of Claims 1, 8, and 15 (and their dependent claims).

V. NEW CLAIMS

The Applicant has added new Claims 21-23. The Applicant respectfully submits that no new matter has been added. The Applicant respectfully requests entry and full allowance of Claims 21-23.

VI. CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Applicant has included the appropriate fee to cover the cost of a one (1) month extension of time. The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any additional extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: wmunck@davismunck.com